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*ATTORNEY FOR DEFENDANT,  
SHUGART GLASS OF TEXAS, INC. D/B/A ALPHA GLASS COMPANY*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DISTRICT COUNCIL 16 NORTHERN  
CALIFORNIA HEALTH AND WELFARE  
TRUST FUND, et al..

## Plaintiffs,

V.

**SHUGART GLASS OF TEXAS, INC., a Texas  
Corporation dba ALPHA GLASS COMPANY.**

Defendant.

Case No. 4:20-cv-05656-KAW

**JOINT REQUEST FOR CONDITIONAL  
DISMISSAL WITHOUT PREJUDICE AND  
TO VACATE CASE MANAGEMENT  
CONFERENCE: ORDER THEREON**

Plaintiffs and Defendant, through their respective counsel of record, hereby represent that they have reached a settlement of this action that requires Defendant to comply with specific provisions over

1 time in order to effectuate the settlement. Defendant's full compliance with these provisions must occur  
2 by February 28, 2025.

3 Therefore, the Parties respectfully request that the Court conditionally dismiss this matter  
4 pending Defendant's compliance with the settlement terms. The Parties further request that the Court  
5 retain jurisdiction of this matter.

6 If Defendant does not meet the conditions of the settlement agreement, then Plaintiffs' Counsel  
7 may file a declaration on or before February 28, 2025, requesting that the dismissal of this matter be  
8 vacated and requesting that the matter be reopened as a result of Defendant's failure to satisfy its  
9 obligations under the Parties' settlement agreement.

10 If Plaintiffs do not file such a declaration by February 28, 2025, the Parties request that this  
11 Conditional Dismissal be converted to a Dismissal with Prejudice on or after March 1, 2025.  
12

13 Dated: November 16, 2022

SALTZMAN & JOHNSON LAW CORPORATION

14 /S/  
15 \_\_\_\_\_  
16 Matthew P. Minser  
17 Luz E. Mendoza  
18 Attorneys for Plaintiffs District Council 16 Northern  
California Health and Welfare Trust Fund, et al., et al.

19 Dated: November 16, 2022

20 SMYSER KAPLAN & VESELKA, L.L.P.  
21 \_\_\_\_\_  
22 Tyler G. Doyle  
23 Attorneys for Defendant Shugart Glass of Texas, Inc. dba  
Alpha Glass Company

24 **IT IS SO ORDERED.**

25 In accordance with the settlement and the stipulation of the Parties, and good cause appearing  
therefore, IT IS HEREBY ORDERED that the Court will retain jurisdiction over this matter until a final  
26 dismissal is entered.

27 If Defendant defaults in performance of the settlement with Plaintiffs, Plaintiffs' Counsel may  
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1 file a declaration under penalty of perjury on or before February 28, 2025, requesting that the dismissal  
2 of this matter be vacated and requesting that the matter be reopened as a result of Defendant's failure to  
3 satisfy its obligations under the settlement agreement. If Plaintiffs do not file such a declaration by  
4 February 28, 2025, this Conditional Dismissal shall convert to a Dismissal with Prejudice of this matter  
5 effective March 1, 2025.

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7 DATED: November 18, 2022

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HONORABLE KANDIS A. WESTMORE  
UNITED STATES MAGISTRATE JUDGE

## **ATTESTATION CERTIFICATE**

In accord with the Northern District of California's Civil Local Rule 5-1, I attest that concurrence in the filing of this document has been obtained from each of the other signatories who are listed on the signature page.

Dated: November 16, 2022

By: \_\_\_\_\_ /S/  
Luz E. Mendoza, Esq.  
Attorneys for Plaintiffs